

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEPHON M. BENNETT

v.

C/O WASHINGTON, et al.

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CIVIL ACTION

NO. 11-176

ORDER

AND NOW, this 15th day of July, 2013, upon consideration of the Motion to Dismiss the Second Amended Complaint filed by Defendants Prison Health Services, Inc. (“PHS”) and Kim Daniels (Docket No. 74), Plaintiff’s Motion for Leave to File a Third Amended Complaint (Docket No. 82), and all documents filed in connection with both Motions, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. The Motion to Dismiss is **DENIED** insofar as it seeks dismissal of Plaintiff’s claim that PHS employed a custom of allowing corrections officers to deter medical care for injured inmates.
2. The Motion to Dismiss is **GRANTED** insofar as it seeks dismissal of all other claims against PHS and Daniels, and those claims are **DISMISSED**.
3. Plaintiff’s Motion for Leave to File a Third Amended Complaint is **DENIED**.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.